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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

RICHARD V. GOSE, a single man,

Civil No. 02 CV 195J

Plaintiff,

v.,

THE CITY OF DOUGLAS, WYOMING,  
KENNETH TAYLOR, JAMES SCHNEIDAR,  
BRIAN SWEENEY, SANDRA HUMPHREY,  
SHERRI MULLINNIX, FRED W. DILTS III  
and BOBBE FITZHUGH,

Defendants.

PLAINTIFF'S REPLY TO DEFENDANTS' RESPONSE TO PLAINTIFF'S  
MOTION TO COMPEL ANSWERS PURSUANT TO RULES 33, 34  
AND 37, OF FEDERAL RULES OF CIVIL PROCEDURE ON  
INTERROGATORIES SERVED WITH THE SUMMONS AND COMPLAINT

Comes now the Plaintiff, Richard V. Gose, and in reply to the generalized Response of Defendants to the specific issues raised, it is of particularized concern when the the Exhibits Attached to the Motion, Exhibits "A-1", "A-2", "A-3(a)" and "A-3(b)", are documented certification of the County Commissioners and the County Surveyors actions in placing a county

road through Section 15, starting 1/4 mile South of the North boundary at the Section 16 and Section 15 interface, going straight East for 1/2 mile on Cheyenne Street to the East end of the pavement on Cheyenne Street and then angling off to the East by the old 1898 survey and the 1908 Survey.

Interrogatory No. 3 asked " When the City of Douglas paved or had some one else pave Cheyenne Street from Highway U.S. 87 to the end of the pavement, who owned the right of way under the paved road and now the City of Douglas owns the right of way under the pavement, from whom did the City of Douglas obtain the right of way and what date did the City of Douglas obtain the right of way and how did the City of Douglas obtain the right of way under the pavement."

Defendants' answer to interrogatory No. 3 is set out as "Cheyenne Street from Grant Street to what was then the East City limits was constructed in 1980. Cheyenne Street was annexed to the City of Douglas in April of 1980. Upon annexation in April of 1980, the street became a public right-of-way within the City Limits of the City of Douglas. Further records are available at the Converse County Clerk's Office and/or at the office of the City Clerk and are subject to public inspection by law." Defendants answer then corrected the previous answer , thereby eliminating County Road No 59 and describing the Annexation of Cheyenne Road beginning at the N 1/16 corner between Sections 15 & 16, T.32N, R71E thence S 89 degrees 10 minutes E a distance of 517 feet, which is precisely a part of the County road set out in Exhibits "A-1", "A-2", "A-3(a)" and "A-3(b)", which runs for over 1/2 mile straight East, considerably beyond the 517 feet set out by Defendants, yet Defendants completely ignore the fact that this roadway in Defendants answer is the County Road, and that the County of Converse owns the right of way, for it has not been transferred to the City of Douglas, Wyoming.

THE RIGHT OF WAY UNDER THE PAVEMENT IN INTERROGATORY NO. 3 IS THE

COUNTY OF CONVERSE COUNTY ROAD AND DEFENDANTS REFUSE TO ANSWER THIS QUESTION TRUTHFULLY. The other evidence is that it is County Road No. 56, which Defendants refuse to answer truthfully to.

These Defendants are named Defendants as persons under Title 42 Section 1983 of the United States Statutes, or 42 USC 1983, who subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress and they are described that way in the pleadings and have a legal duty to answer these Interrogatories.

Rule 37, Federal Rules of Civil Procedure fully cover the requests for compliance made by this Plaintiff and Plaintiff has respectfully asked this Court to order compliance there of.

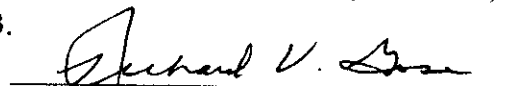
RESPECTFULLY SUBMITTED,



Richard V. Gose, Attorney at Law  
Attorney for Plaintiff

**CERTIFICATION**

Comes now the Plaintiff and certifies that he has prepaid Federal Express to deliver a copy of these pleadings to opposing counsel, Rick L. Koehmstedt, at 141 South Center Street, Suite 500, Casper, Wyoming 82601 on the 31<sup>st</sup> day of July, 2003.



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